

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

LOUSHONDA MYERS, C.M., *a minor child*,)
A.M., *a minor child*, M.M., *a minor child*, TYRE)
MYERS, DAMEON MYERS,)

Plaintiffs,)

v.)

STATE OF NORTH CAROLINA, KRISTA L.)
BENNET, FERN GUNN SIMEON, JOHN)
SILVERSTEIN, UNKNOWN AGENTS OF THE)
NORTH CAROLINA STATE BAR, SHERIFF)
STEVE BIZZELL, CAPTAIN A.C. FISH,)
DETECTIVE C.K. ALLEN, DETECTIVE DON)
PATE, DETECTIVE J. CREECH, DETECTIVE J.)
CANADY, DETECTIVE A. CASE, CAPTAIN D.)
DAUGHTRY, LIEUTENANT STEWART,)
LIEUTENANT DANNY JOHNSON, DEPUTY)
BILLIS/GILLIS, UNKNOWN OFFICERS AND)
AGENTS OF THE JOHNSTON COUNTY)
SHERIFF'S DEPARTMENT, CARMEN)
CARRAE, KIMBERLY FRANKLIN, UNKNOWN)
OFFICERS AND AGENTS OF THE JOHNSTON)
COUNTY DEPARTMENT OF SOCIAL)
SERVICES, MAGISTRATE KEITH)
UNDERWOOD, MAGISTRATE/JUDGE)
BETHANY HALE, MAGISTRATE/JUDGE)
WALTER STANLEY, SUSAN DOYLE, ADREN)
HARRIS, ATTORNEY ALETA BALLARD,)
ATTORNEY STEVEN WALKER, DONNIE)
HARRISON, UNKNOWN OFFICERS/AGENTS)
OF THE WAKE COUNTY SHERIFF'S)
DEPARTMENT, BALLARD LAW FIRM, PLLC,)
WALKER LAW FIRM, PLLC, JOHNSTON)
COUNTY, NORTH CAROLINA, NORTH)
CAROLINA COURT SYSTEM, OFFICE OF)
INDIGENT SERVICES, JOHNSTON COUNTY)
PUBLIC DEFENDER'S OFFICE, JOHNSTON)
COUNTY DISTRICT ATTORNEY'S OFFICE,)
WAKE COUNTY, NORTH CAROLINA, NORTH)
CAROLINA DEPARTMENT OF HEALTH AND)

JUDGMENT

5:12-CV-714-BO

HUMAN SERVICES, NORTH CAROLINA)
 STATE BAR, JOHNSTON COUNTY SHERIFF)
 DEPARTMENT, JOHNSTON COUNTY)
 DEPARTMENT OF SOCIAL SERVICES, WAKE)
 COUNTY SHERIFF DEPARTMENT, TERRAE)
 CARMON, AT&T INC., AT&T MOBILITY)
 LLC, UNKNOWN AGENTS/EMPLOYEES OF)
 AT&T INC. AND AT&T MOBILITY LLC,)
 UNITED STATES MARSHAL BRYAN KONIG,)
 UNKNOWN AGENTS/EMPLOYEES OF THE)
 UNITED STATES MARSHAL OFFICE IN)
 NORTH AND SOUTH CAROLINA,)
 BRANCH BANKING AND TRUST (BB&T)
 CORPORATION), JAMES GERRELL, DAVID)
 HILDRETH, UNITED STATES MARSHAL)
 SERVICE,)
)
 Defendants.)
)

Decision by Court.

IT IS ORDERED, ADJUDGED AND DECREED that in accordance with the Court's order entered August 16, 2013, and for the reasons set forth more specifically therein, the Court GRANTS the motions to dismiss with prejudice as to defendants (1) the State of North Carolina, North Carolina Court System, Office of Indigent Defense Services, Keith Underwood, Bethany Hale, Walter Stanley, and Johnston County Public Defender's Office [D.E. 35], (2) the Johnston County Sheriff Department [D.E. 140], (3) Steven Walker and Walker Law Firm, PLLC [D.E. 78], (4) Aleta Ballard and Ballard Law Firm, PLLC [D.E. 81], (5) Krista Bennett, John Silverstein, Fern Gunn Simeon, and unknown agents of the North Carolina State Bar [D.E. 101], and (6) North Carolina Department of Health and Human Services [D.E. 115]. The claims against these defendants are DISMISSED with prejudice. As for the remaining defendants, the court GRANTS without prejudice their motions to dismiss [D.E. 35, 64, 99, 138].

It is **FURTHER ORDERED, ADJUDGED AND DECREED**, that in accordance with the Court's order entered December 2, 2014, and for the reasons set forth more specifically therein, the defendants' motions to dismiss are GRANTED. Defendants BB&T, AT&T, Inc., AT&T Mobility LLC, Unknown Agents/Employees of AT&T, Inc., United States Marshal Konig, and the unknown agents/employees of the United States Marshal Office in North and South Carolina are DISMISSED WITH PREJUDICE from this action.

Cont.

It is **FURTHER ORDERED, ADJUDGED AND DECREED**, that defendant's motion for summary judgment [DE 295] is GRANTED and plaintiff's motion for summary judgment [DE 302] is correspondingly DENIED. The Court DECLINES to exercise supplemental jurisdiction over any state law claims against the remaining defendants in their individual capacities. Plaintiff's motions to disqualify/recuse [DE 287], to alter judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure [DE 288], and for relief from judgment pursuant to Rule 60(b) of the Federal Rules of Civil Procedure [DE 308] are DENIED. Plaintiff's motion for default judgment [DE 306] is DENIED AS MOOT.

This case is closed.

This judgment filed and entered on January 19, 2016, and served on:

(via CM/ECF Notice of Electronic Filing)

Grant Mitchell

Timothy C. Smith, Jr.

David Mills

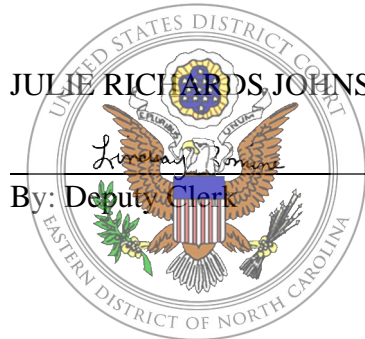
Matthew Fesak

(via US Mail to 27 Wateree Trail, Georgetown, SC 29440)

Loushonda Myers

January 19, 2016

JULIE RICHARDS JOHNSTON, CLERK



By: Deputy Clerk